

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

01-R-0053

**A RESOLUTION AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$1,000.00 IN SETTLEMENT OF THE CLAIM  
OF STEVEN HORSLEY, THROUGH HIS ATTORNEY,  
KENNETH S. NUGENT AGAINST THE CITY OF ATLANTA  
AND FOR OTHER PURPOSES**

**WHEREAS, Steven Horsley, through his attorney, Kenneth S. Nugent** has filed a claim against the City of Atlanta seeking damages arising out of a collision between a vehicle operated by Benny Lee High, an employee of the Department of Aviation and the vehicle Mr. Horsley was operating; and

**WHEREAS, the collision occurred as a result of the malfunction of the electrical system of the de-icer boom on the City vehicle which caused the boom to swing out and strike the vehicle Mr. Horsley was operating and causing him to be injured; and**

**WHEREAS, the claimant has asserted damages in the amount of \$21,000.00, but has agreed to accept the sum of \$1,000.00 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and**

**WHEREAS, the City Attorney has recommended that the claim of Steven Horsley, through his attorney, Kenneth S. Nugent be settled for the sum of \$1,000.00.**

**WHEREAS, this claim was previously denied by City Council on November 20, 2000.**

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that resolution number 00-R-1919 be hereby rescinded and that \$1,000.00 be paid by the City of Atlanta in satisfaction of any and all claims **Steven Horsley, through his attorney, Kenneth S. Nugent** may have stemming from damages sustained to him on or about December 6, 1999

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2H01/529017/T31001.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0221

Date: December 12, 2000

Claimant /Victim STEVE HORSLEY  
BY: (Atty) Russell T. Deutschman  
Address: 1355 Peachtree Street, Suite 2000, Atlanta, Georgia 30309  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 21,000.00  
Date of Notice: 04/04/00 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 12/06/99 Place: East N.L.R.V., Atlanta Airport  
Department Aviation Division:         
Employee involved Benny Lee High Disciplinary Action: No Action Taken

NATURE OF CLAIM: The electrical system of the de-icer boom on the City vehicle malfunctioned causing the boom to swing out from the vehicle and strike the vehicle the claimant was driving causing him to be injured.

INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police X Dept Report X Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other        Damages reasonable         
City not involved        Offer rejected        Compromise settlement X  
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent X Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,000.00 Adverse        Account charged: 1A01        2J01        2H01 X  
Claims Manager:        Concur/date 12-13-00  
Committee Action:        Council Action

**KENNETH S. NUGENT, P.C.**  
**ATTORNEYS AT LAW**

1355 PEACHTREE STREET  
THE PEACHTREE, SUITE 1000  
ATLANTA, GEORGIA 30309  
(404) 875-0900  
FAX (404) 872-7562

*Mitchell*  
*04/07/00*  
*DM*

KENNETH S. NUGENT  
JOHN T. RUFF  
WILLIAM D. HOLMAN \*  
JOHN C. FORBES, JR.  
RUSSELL T. DEUTSCHMAN  
ADAM W. DEEVER  
TERI D. PODUVAL  
BARBARA BARNETT CLARIDGE ♦  
WENDY A. HEANEY  
M. BRIAN CLEMENTS  
MICHAEL G. ORR  
AHKIBAH KHAN

ENTERED - 4-10-00 - SB  
00L0221 - DIANNE MITCHELL

OFFICES  
THROUGHOUT  
GEORGIA

March 28, 2000

\* ALSO ADMITTED IN TENNESSEE  
♦ ADMITTED IN ALABAMA

VIA CERTIFIED MAIL 7099 3400 0002 7293 6014

Mr. Rob D. Pitts  
President of the Council City of Atlanta  
55 Trinity Avenue, S. W.  
Atlanta, GA 30335

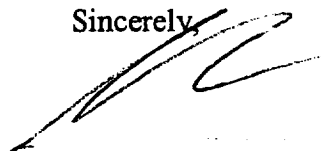
RE: Our Client : Steve Horsley  
Your Insured : City of Atlanta Dept. of Aviation  
Date of Accident : 12/6/1999  
Our File No. : 216548  
Place of Occurrence : East NLVR - Atlanta Airport  
Time of Occurrence : 18:48

Dear Sir:

Our firm represents Steve Horsley for personal injuries sustained as a result of the referenced accident. Enclosed is a copy of the police report on private property for your file. The collision, as well as Mr. Horsley's injuries, were the result of the negligence of Benay Lee High driver of a City of Atlanta Department of Aviation vehicle.

This notice is sent pursuant to O.C.G.A. Section 36-33-5. Please direct all future correspondence to the above address. Thank you.

Sincerely,



Russell T. Deutschman  
Attorney at Law  
For the Firm

Cc: Benjamin DeCosta  
General Manager Aviation

RTD/dbg

Enclosures